

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MARK PLATT,

Defendant.

**4:22CR3068**

**ORDER**

Defendant has been recovering from health issues. He has been unable to meet with his attorney to review discovery and consider his options. In addition, the government is awaiting the results of DNA testing. After conferring with counsel, and with their consent,

**IT IS ORDERED:**

- 1) A telephonic conference with counsel will be held before the undersigned magistrate judge at 1:30 p.m. on July 27, 2023 to discuss case progression and whether the Defendant is prepared to set a pretrial motion deadline. Counsel for all parties shall use the conferencing instructions provided by the court to participate in the call.
- 2) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and July 27, 2023 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because this case remains "unusual and complex," and continues to be exempted from the time restrictions of the Speedy Trial Act, 18 U.S.C. § 3161 (h)(7)(B)(ii), and although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial. Failing to grant additional time could result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided

under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 12th day of April, 2023.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge